

**REMARKS****I. Status of the Claims**

Claims 1-7 and 10 are pending in the application. Claims 1, 6 and 7 have been amended to reduce the scope of the compound of formula (I) by way of inserting the phrase "with the proviso that when R<sup>2</sup> is (ii) or (iv), Y is S". Claim 2 has been amended limiting the claim to the treatment of the listed diseases and "sepsis" therefrom. No new matter has been entered.

**II. Rejection of Claims 2 and 3 Under 35 U.S.C. § 112**

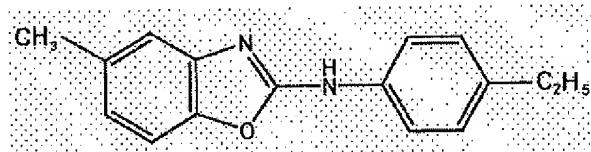
The rejection of claims 2 and 3 under 35 U.S.C. 112, first paragraph, based upon the allegation that the specification, while enabling the inhibition of 5-lipoxygenase activity, does not reasonably provide enablement for treatment and prevention regimens as recited in claims 2 and 3, is respectfully traversed.

The Examiner has pointed out that the demonstration of the therapeutic effect of administering the compound of Example 9 of the subject application would provide substantial support for a correlation between 5-lipoxygenase and various leukotriene-related diseases. In this regard, the Examiner's kind attention is directed to the fact that claim 2 has been amended to limit the subject matter to the treatment of the listed leukotriene-related diseases as set forth above, and that applicants have included a new Declaration under 37 CFR 1.132 to demonstrate the therapeutic effect of administering the compound of

Example 9 of the subject application to support the correlation as identified by the Examiner.

More specifically, the compound of Example 9 was administered to mice to effectively inhibit 5-lipoxygenase so that asthma induced by the activity of 5-lipoxygenase can be treated as demonstrated in the declaration.

The Examiner's attention is further directed to the fact that the earlier declaration filed on October 13, 2006 demonstrated the therapeutic effect for treating asthma of the compound represented below, which is encompassed by the inventive compound of formula (I), but erroneously expressed therein as:



Further, the instant specification discloses a number of examples showing inhibition of 5-lipoxygenase by various compounds having the structure of formula (I).

Accordingly, the compound of formula (I) according to the subject application, can be used for the treatment of a disease induced by the activity of 5-lipoxygenase among various etiologies. In this regard, it is well known in the art that the leukotriene-related diseases listed in the amended claim 2 are closely related

with the activity of 5-lipoxygenase as one of various etiologies, as shown in Exhibits 1 to 11 submitted in our previous response.

Thus, from the declaration for the compound of Example 9 and the well-known correlation between the activity of 5-lipoxygenase and leukotriene-related diseases, it is believed that one skilled in the art can practice the invention commensurate with the scope of claim 2, as amended, without undue burden of experimentation.

For these reasons, it is respectfully submitted that the rejection of claims 2 and 3 under 35 USC 112 be reconsidered and withdrawn.

### **III. Rejection of Claims 1, 2, 6 and 7 Under 35 U.S.C. § 102**

The rejection of claims 1, 2, 6 and 7 under 35 U.S.C. 102(b) as being anticipated by Elnima et al., *Antimicrobial Agents and Chemotherapy*, is respectfully traversed.

The Elnima reference discloses the compounds of formula (I) wherein Y is O, R<sup>2</sup> is (ii) or (iv), R<sup>5</sup> is NH or OH, R<sup>6</sup> to R<sup>9</sup> are H, and R<sup>11</sup> is H, which have *in vitro* antibacterial and antifungal activities.

In this regard, the Examiner's attention is directed to the fact that claims 1, 6 and 7 have been amended to distinguish the compounds of formula (I) from Elnima. Claim 1 now contains the proviso that when R<sup>2</sup> is (ii) or (iv), Y is S. Claim 2 has also been amended to limit treatment to the listed leukotriene-related

diseases which excludes "sepsis" induced by bacterial and fungal activities from the leukotriene-related diseases listed therein.

Furthermore, the Elnima reference does not teach or suggest the inhibition of the activity of 5-lipoxygenase by employing the compounds disclosed therein.

Accordingly, it is believed that the rejection of claims 1, 2, 6 and 7 under 35 USC 102 has been overcome.

**CONCLUSION**

In view of the foregoing discussions, it is respectfully submitted that the present invention as defined in the pending claims 1-7 and 10 is in full compliance with all the statutory requirements and, therefore, it is earnestly requested that the Examiner's rejections be withdrawn and that the pending claims be allowed in their present form.

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**CERTIFICATE OF MAILING**

I hereby certify that this Amendment w/Declaration is being submitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via EFS-Web on March 21, 2007.

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